IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4578 OF 2007

Nav Maharashtra Shikshan Prasarak
Mandal Kololi and others .... Petitioner

versus

The State of Maharashtra & ors..... Respondent.

Shri S.P.Kadam for the petitioner
Ms. V.S. Mhaispurkar AGP for respondents 1 to 3.
Shdi D.S. Sakhalkar for Respondent no.4.

CORAM; A.P. DESHPANDE, J.
DATED; 21ST SEPTEMBER, 2007

P.C.;

1. Order passed by the State Government permitting shifting of a school has been challenged by a group of trustees claiming themselves to be the real management. The permission has been granted on an application moved by one of the trustees. When the order was challenged by filing writ petition in this court, this court permitted the petitioner to file civil suit and in these circumstances the present petitioners filed civil suit. In the said suit an application for temporary injunction was moved with a view to stop the shifting of the school at the transferred place. The temporary injunction application was rejected and aggrieved thereby the petitioner carried the Misc. Civil Appeal and after

the dismissal of the appeal the present writ petition has been filed. The suit is of the year 2006. It is an admitted position that the school is being run at the transferred place. In this view of the matter and having regard to the concurrent finding reached by the two courts below, I do not propose to interfere with the impugned order. Ends of justice would be met by directing the trial court to decide the suit as expeditiously as possible, preferably before the end of academic session 2007-08.

2. At this stage, the learned counsel submits that the petitioners are also running the school at the old place. It is prayed that till decision of the suit no action in regard to the closure of the said school be taken by the State and its authority. This issue falls outside the scope of writ petition. Hence no orders in that regard can be passed in this petition. However, it shall he open for the petitioners to move before appropriate forum by appropriate proceedings for redressal of their grievance.